should be brought in habeas if it would frustrate the execution as a practical matter.

This argument cannot be squared with *Nelson*'s observation that its criterion—whether a grant of relief to the inmate would necessarily bar the execution—is consistent with *Heck*'s and *Balisok*'s approach to damages actions that implicate habeas relief. *Nelson, supra,* at 646–647. In those cases the question is whether "the nature of the challenge to the procedures could be such as necessarily to imply the invalidity" of the confinement or sentence. *Balisok, supra,* at 645. As discussed above, and at this stage of the litigation, the injunction Hill seeks would not necessarily foreclose the State from implementing the lethal injection sentence under present law, and thus it could not be said that the suit seeks to establish "unlawfulness [that] would render a conviction or sentence invalid." *Heck, supra,* at 486. Any incidental delay caused by allowing Hill to file suit does not cast on his sentence the kind of negative legal implication that would require him to proceed in a habeas action.

III

Filing an action that can proceed under §1983 does not entitle the complainant to an order staying an execution as a matter of course. Both the State and the victims of crime have an important interest in the timely enforcement of a sentence. *Calderon* v. *Thompson*, 523 U. S. 538, 556 (1998). Our conclusions today do not diminish that interest, nor do they deprive federal courts of the means to protect it.

We state again, as we did in *Nelson*, that a stay of execution is an equitable remedy. It is not available as a matter of right, and equity must be sensitive to the State's strong interest in enforcing its criminal judgments without undue interference from the federal courts. 541 U. S., at 649–650. See *In re Blodgett*, 502 U. S. 236, 239–240 (1992)

(per curiam); Delo v. *Stokes*, 495 U. S. 320, 323 (1990) *(per curiam)* (KENNEDY, J., concurring). Thus, like other stay applicants, inmates seeking time to challenge the manner in which the State plans to execute them must satisfy all of the requirements for a stay, including a showing of a significant possibility of success on the merits. See *Barefoot* v. *Estelle*, 463 U. S. 880, 895–896 (1983). See also *Mazurek* v. *Armstrong*, 520 U. S. 968, 972 (1997) *(per curiam)* (preliminary injunction not granted unless the movant, by a clear showing, carries the burden of persuasion).

A court considering a stay must also apply "a strong equitable presumption against the grant of a stay where a claim could have been brought at such a time as to allow consideration of the merits without requiring entry of a stay." *Nelson, supra*, at 650. See also *Gomez* v. *United States Dist. Court for Northern Dist. of Cal.*, 503 U. S. 653, 654 (1992) *(per curiam)* (noting that the "last-minute nature of an application" or an applicant's "attempt at manipulation" of the judicial process may be grounds for denial of a stay).

After *Nelson* a number of federal courts have invoked their equitable powers to dismiss suits they saw as speculative or filed too late in the day. See, *e.g.*, *Hicks* v. *Taft*, 431 F. 3d 916 (CA6 2005); *White* v. *Johnson*, 429 F. 3d 572 (CA5 2005); *Boyd* v. *Beck*, 404 F. Supp. 2d 879 (EDNC 2005). Although the particular determinations made in those cases are not before us, we recognize that the problem they address is significant. Repetitive or piecemeal litigation presumably would raise similar concerns. The federal courts can and should protect States from dilatory or speculative suits, but it is not necessary to reject *Nelson* to do so.

The equities and the merits of Hill's underlying action are also not before us. We reverse the judgment of the Court of Appeals and remand the case for further proceedings consistent with this opinion.

It is so ordered.